REMARKS

Claims 1-3, 5-12, 14-23, and 25-29 are pending in the present application. Claim 1 is amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-3 and 5-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed. Applicants note that the statement of the rejection addresses claims 1, 2, and 4-10; however, claim 4 is canceled, while claim 3 is pending and depends on claim 1. Applicants assume that the Office Action intended to list claims 1-3 and 5-10 instead.

With respect to the language "a content provider that lacks content data so formatted," claim 1 is amended to delete this phrase. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-3 and 5-10 under 35 U.S.C. § 112, second paragraph.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 1-3, 5-12, 14-23, and 25-29 under 35 U.S.C. § 103 as being unpatentable over *Mohan et al.*, "Multimedia Content Customization for Universal Access," November 1998, SPIE Photonics East, pages 1-9. This rejection is respectfully traversed.

Mohan teaches content customization for diverse device capabilities. *Mohan* states:

> The content customization system is an extension to a Web server. An overview of the system architecture is shown in Figure 1. The content source contains the multimedia content to be delivered by the Web server. First, content is analyzed to extract meta-data used in guiding subsequent transcoding and selection processes. Based on the capabilities of typical client devices, different transcoding modules are employed to generate versions of the content in different resolutions and modalities. A novel data representation, the InfoPyramid, is used to store the multiple resolutions and modalities of the transcoded content, along with any associated meta-data. When the Web server receives a request, it first

> determines the capabilities of the requesting client device. A customization module then selects from the InfoPyramids, the resolutions or modalities that best meet the client capabilities. This selected content is then rendered in a suitable delivery format (for example, HTML) for delivery to the client.

Mohan, page 3, section 2, first paragraph. Thus, *Mohan* clearly and explicitly states that transcoding is performed before a request is ever received and based only on the capabilities of **typical** client devices to produce a pyramid of client specific versions of content. A customization module that is clearly separate from the transcoding modules then selects content from the pyramid of client specific versions of content. According to the teachings of *Mohan*, the customization module selects content that **best meets** the capabilities of the requesting client.

In contradistinction, the present invention provides a mechanism for formatting content data for presentation on a client device, wherein the content is generated responsive to receiving a request from a client device and transcoded using the client device characteristics. Claim 1 recites:

> 1. A method of formatting content data for presentation on a client device, comprising:
> receiving a request for content data, the request having client device characteristic information;
> storing the client device characteristic information;
> generating generic content data; and
> transcoding said generic content data using said client device characteristic information to produce transcoded content data.

Mohan does not teach or suggest transcoding generic content data using client device characteristic information that was received in a request for content data.

The Office Action alleges that Mohan teaches transcoding content data using client device characteristic information on page 5, Section 2.5; page 6, Section 2.6; and, page 9, paragraphs 1, 2. Section 2.5 states:

> Next, content transcoders populate the InfoPyramid structure with multi-resolution, multi-modal versions of the content...
>
> The system has default policies, based [sic.] the capabilities of the typical client devices (see Section 2.1), for deploying these transcoding modules.

Clearly, *Mohan* teaches transcoding content into multiple resolutions and multiple modes based upon default policies. Section 2.6 describes that the customization module that is separate from the transcoders uses the device characteristics as constraints to pick the best content representation. However, since the content is not transcoded using the specific device characteristics of a requesting client, the best representation may not exactly match the capabilities of the client device. For example, if a typical personal digital assistant (PDA) has a screen resolution of 320x320, images in the InfoPyramid of *Mohan* will likely have a resolution of 320x320. However, if a request from a PDA with a screen resolution of 320x480, the best match in the InfoPyramid will be a 320x320 image. Clearly, this content is **not** transcoded using the device characteristics of the requesting client device.

On the other hand, the present invention, as recited in claim 1, generates generic content data and transcodes **using the client device characteristic information** received in the request for content data. Therefore, the transcoded content data is specific to the client device actually making the request, which is contrary to the teachings of *Mohan*. In fact, *Mohan* specifically teaches away from transcoding content data responsive to receiving a request for the content data, because content providers have no control over how their content will appear to different clients, there may be legal issues arising from copyright, Web pages are growing increasingly complex limiting both quality and the amount of customization, and on-the-fly transcoding is difficult to apply to many media types. See *Mohan*, page 1, Section 1. Absent, the examiner pointing out some teaching or inventive to implement *Mohan* to transcode content data responsive to receiving a request for the content data, one of ordinary skill in art would not be led to modify *Mohan* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Mohan* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Independent claims 11 and 21 recite subject matter addressed above with respect to claim 1 and are allowable for at least the same reasons. Since each of claims 2, 3, 5-10, 12, 14-20, 22, 23, and 25-29 depends from one of claims 1, 11, and 21, the same

distinctions between *Mohan* and the invention recited in claims 1, 11, and 21 apply for these claims. Additionally, claims 2, 3, 5-10, 12, 14-20, 22, 23, and 25-29 recite other additional combinations of features not suggested by the reference.

More particularly, with respect to claims 2, 5, 11, 12, 14, 22, and 25, the Office Action alleges that *Mohan* teaches a preamble servlet on page 4, paragraph 1, lines 6-8; page 7, paragraph 4, lines 1-7; and, page 8, paragraph 1. Applicants note that none of the cited portions or any other portions of *Mohan* makes any mention whatsoever of a preamble servlet. The Office Action proffers no analysis as to how the various teachings in the cited portions are somehow equivalent to the claimed preamble servlet. Therefore, the Office Action does not establish a *prima facie* case of obviousness. The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 2, 5, 11, 12, 14, 22, and 25 are not rendered obvious by *Mohan*.

With respect to claims 3 and 23, the Office Action alleges that *Mohan* teaches transcoding being performed by a transcoding servlet that obtains the client device characteristic information from a preamble servlet on page 2, paragraphs 2 and 6; page 5, Section 2.5, to page 6, Section 2.6. As shown above, the cited portions of *Mohan* fail to teach or fairly suggest a transcoding servlet that obtains client device characteristic information that is received as part of a request for content data. In fact, the portion of *Mohan* that is cited by the Office Action as teaching this feature specifically states, "[t]he systems generates [sic.] transcoded version of the content items prior to any requests, thus it can handle media items such as video and audio which are difficult to handle in proxies." Clearly, *Mohan* teaches the opposite of the invention recited in claims 3 and 23.

Furthermore, claims 8, 17, and 28 recite that the preamble servlet stores client device characteristic information and the content generator generates the content data at approximately the same time. Since *Mohan* clearly and explicitly teaches that content is transcoded **prior to any requests**, as shown above, *Mohan* cannot teach generating the generic content at the same time the client device characteristic information, which is part of a received request for the content data, is stored. In other words, *Mohan* teaches generating content, transcoding content, and **then** receiving a request. Claims 8, 17, and 28 recite receiving a request having client device characteristic information and **then**

storing the client device characteristic information and generating the generic content data. The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 8, 17, and 28 are not rendered obvious by *Mohan*.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-3, 5-12, 14-23, and 25-29 under 35 U.S.C. § 103.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: Apr. 5, 2004

Respectfully submitted,

Stephen R. Tkacs
Reg. No. 46,430
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Agent for Applicants